

1 Jeffrey L. Hartman, Esq. #1607
2 **HARTMAN & HARTMAN**
3 499 West Plumb Lane, Suite 202
Reno, Nevada 89509
Telephone: (775) 324-2800
Facsimile: (775) 324-1818
4 Attorney for Junel J. Bacigalupo
5

RECEIVED
AND FILED

2004 AUG 12 PM 2:50
UNITED STATES
BANKRUPTCY COURT
PATRICIA GRAY, CLERK

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**
8 IN RE: CASE NO. BK-N-04-51416-GWZ
9 JUNEL J. BACIGALUPO, CHAPTER 7
10 Debtor.

11 JUNEL J. BACIGALUPO, / Adversary Proceeding No.
12 Plaintiff,
13 vs.

14 HARMONEY TRUST, SOVEREIGN
15 REDEMPTION TRUST, VISIONARY
TRUST, DEAN OF LIGHT TRUST, BIG
ROCK RANCH TRUST, SOUL QUEST
TRUST, LIGHTHOUSE RETREAT
TRUST, THE CARLSON TRUST,
MARLON DEAN CARLSON
16 individually and in his capacity as Trustee
of THE CARLSON TRUST, DIANE
BILOTTI, individually and in her capacity
as Trustee of THE CARLSON TRUST,
JUDI JANET GOLDEN, WILLIAM
DALE WELLESLEY, individually and in
his capacity as Trustee of the
HARMONEY TRUST, SOVEREIGN
17 REDEMPTION TRUST, VISIONARY
TRUST, DEAN OF LIGHT TRUST, BIG
ROCK RANCH TRUST, SOUL QUEST
TRUST, LIGHTHOUSE RETREAT
TRUST

18 **COMPLAINT FOR DECLARATORY
JUDGMENT QUIETING TITLE**

24 Defendants.

25
26 Junel Jean Bacigalupo ("Bacigalupo"), complains of Harmoney Trust, Sovereign
27 Redemption Trust, Visionary Trust, Dean of Light Trust, Big Rock Ranch Trust, Soul
28 Quest Trust, Lighthouse Retreat Trust, The Carlson Trust, Marlon Dean Carlson,

1 individually and in his capacity as Trustee of The Carlson Trust, Diane Bilotti, individually
 2 and in her capacity as Trustee in The Carlson Trust, Judi Janet Golden, and William Dale
 3 Wellesley, individually and in his capacity as Trustee of the Harmoney Trust, Sovereign
 4 Redemption Trust, Visionary Trust, Dean of Light Trust, Big Rock Ranch Trust, Soul
 5 Quest Trust, Lighthouse Retreat Trust as follows:

PARTIES

- 7 1. Bacigalupo is a resident of the State of Nevada, County of Washoe.
- 8 2. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 9 Defendant Harmoney Trust purported to be a 'Pure Trust Organization organized under the
 10 common law of the Republic of Nevada' (Defendant Harmoney").
- 11 3. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 12 Defendant Sovereign Redemption Trust purported to be a 'Pure Trust Organization
 13 organized under the common law of the Republic of Nevada' ("Defendant Sovereign").
- 14 4. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 15 Defendant Visionary Trust purported to be a 'Pure Trust Organization organized under the
 16 common law of the Republic of Nevada' (Defendant Visionary").
- 17 5. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 18 Defendant Dean of Light Trust purported to be a 'Pure Trust Organization organized under
 19 the common law of the Republic of Nevada' (Defendant Dean of Light").
- 20 6. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 21 Defendant Big Rock Ranch Trust purported to be a 'Pure Trust Organization organized
 22 under the common law of the Republic of Nevada' (Defendant Big Rock").
- 23 7. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
 24 Defendant Soul Quest Trust purported to be a 'Pure Trust Organization organized under the
 25 common law of the Republic of Nevada' (Defendant Soul Quest").
- 26 8. Bacigalupo is informed and believes and thereon alleges that each of Defendant
 27 Harmoney, Defendant Sovereign, Defendant Visionary, Defendant Dean of Light,
 28 Defendant Big Rock and Defendant Soul Quest was purportedly formed on or about January

1 30, 2003 by a resident of Washoe County, Nevada Marlon Dean Carlson (“Defendant
2 Carlson”).

3 9. Bacigalupo is informed and believes and thereon alleges that at all times relevant,
4 Defendant Diane Bilotti is a resident of the State of Oregon residing in the town of Canby
5 (“Defendant Bilotti”).

6 10. Bacigalupo is informed and believes and thereon alleges that at all times
7 relevant, The Carlson Trust purported to be a ‘Pure Trust Organization, organized under the
8 common law of the Republic of Nevada or Utah’ (“Defendant Carlson Trust”).

9 11. Bacigalupo is informed and believes and thereon alleges that at all times
10 relevant, Defendants Carlson and Bilotto were, and are, trustees of The Carlson Trust.

11 12. Bacigalupo is informed and believes and thereon alleges that at all times
12 relevant, Defendant Judi Janet Golden was and is a resident of Washoe County, Nevada and
13 purported to be the ‘Creator’ of each of Defendant Harmoney, Defendant Sovereign,
14 Defendant Visionary, Defendant Dean of Light, Defendant Big Rock and Defendant Soul
15 Quest (“Defendant Golden”).

16 13. Bacigalupo is informed and believes and thereon alleges that at all times
17 relevant, Defendant Lighthouse Retreat Trust Company, purportedly organized under the
18 laws of the Grant Turks, purported to be the Trustee of Defendant Harmoney, Defendant
19 Sovereign, Defendant Visionary, Defendant Dean of Light, Defendant Big Rock and
20 Defendant Soul Quest (“Defendant Lighthouse”).

21 14. Bacigalupo is informed and believes and thereon alleges that at all times
22 relevant, Defendant William Dale Wellesley was and is a resident of Washoe County,
23 Nevada and was the Trustee for Defendant Lighthouse (“Defendant Wellesely”).

JURISDICTION

25 15. The Court had jurisdiction over this matter by reason of 28 U.S.C. §§ 157
26 and 1334.

27 16. This is a core proceeding by reason of 28 U.S.C. §157(b)(2)(A) through (O).

28 | 17. Plaintiff consents to entry of final judgment by this Court.

FACTUAL ALLEGATIONS

18. Plaintiff incorporates by reference paragraphs 1 through 17 as though fully stated herein.

19. Prior to her marriage to Defendant Carlson in early 2003, Bacigalupo owned fee title to a residence located on approximately 10 acres of land located at 1105 Mineral Flat Road, Reno, Nevada (the “Property”).

20. For purposes not relevant to this Complaint, Defendant Carlson persuaded Bacigalupo to transfer title to the Property to one or more of the Defendant Trusts.

9 21. No consideration was given to Bacigalupo in exchange for transfer of title to the
10 Property.

11 22. Bacigalupo is informed and believes and thereon alleges that Defendant
12 Wellesley and/or Defendant Lighthouse purported to name Bacigalupo as a successor
13 trustee to the Harmoney Trust.

14 23. Bacigalupo is informed and believes and thereon alleges that in combination or
15 in whole, each of Defendants may claim an interest in the Property.

16 24. On or about June 24, 2004, Defendant Harmoney purported to grant title to
17 Bacigalupo by executing a Warranty Deed.

18 25. Bacigalupo has attempted to sell the Property; however, the prospective
19 purchaser was unable to obtain an owner's policy of title insurance based upon possible
20 interest in the Property held or claimed to be held by Defendant Harmoney, Defendant
21 Sovereign, Defendant Visionary, Defendant Dean of Light, Defendant Big Rock and
22 Defendant Soul Quest, Defendant Lighthouse, Defendant Golden, Defendant Wellesley,
23 Defendant Carlson and Defendant Bilotto.

24 26. Bacigalupo claims to be entitled to the legal and equitable fee title to the
25 Property.

CLAIM FOR DECLARATORY JUDGMENT

27 27. Plaintiff incorporates by reference paragraphs 1 through 26 as though fully
28 stated herein.

1 28. Each of Defendants Lighthouse, Golden, Wellesley, Bilotti and Carlson
2 individually, or in their capacity as representatives of Defendants Harmoney, Sovereign,
3 Visionary, Dean of Light, Big Rock and Soul Quest claims an interest in the Property.

4 29. By reason of these conflicting claims, and her inability to sell the Property,
5 Plaintiff Bacigalupo is in great jeopardy of losing her legal and equitable interest in the
6 property, in the form of equity over and above existing indebtedness.

7 WHEREFORE Plaintiff Bacigalupo prays for judgment in her favor declaring and
8 determining her right to fee title to the Property and further declaring and determining that
9 Defendants, and each of them, have no interest in the Property. Plaintiff Bacigalupo prays
10 for such other and further relief as is just in the premises.

11 DATED this 12th day of August, 2004.

HARTMAN & HARTMAN

~~Jeffrey L. Hartman, Esq.~~
~~Attorney for Plaintiff~~

B104 (Rev. 8/87)	ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		Adversary Proceeding Number (Court Use Only)				
PLAINTIFFS JUNEL J. BACIGALUPO			DEFENDANTS Harmoney Trust, Sovereign Redemption Trust, Visionary Trust, Dean of Light Trust, Big Rock Ranch Trust Soul Quest Trust, Lighthouse Retreat Trust, The Carlson Trust, Marlon Dean Carlson, individually and in his capacity as Trustee of The Carlson Trust, Diane Bilotti, individually and in her capacity as Trustee of The Carlson Trust, Judi Janet Golden, William Dale Wellesley, individually and in his capacity as Trustee of the Harmoney Trust, Sovereign Redemption Trust, Visionary Trust, Dean of Light Trust, Big Rock Ranch Trust, Soul Quest Trust, Lighthouse Retreat Trust				
ATTORNEYS (Firm Name, Address, and Telephone No.) Jeffrey L. Hartman, Esq. 499 West Plumb Lane, suite 202 Reno, Nevada 89509 (775) 324-2800			ATTORNEYS (If Known)				
PARTY (Check one box only)			<input type="checkbox"/> 1 U.S. PLAINTIFF		<input type="checkbox"/> 2 U.S. DEFENDANT		<input checked="" type="checkbox"/> 3 U.S. NOT A PARTY
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUES INVOLVED) Court has jurisdiction over this matter by reason of 28 U.S.C. §§157 and 1334. This is a core proceeding as contemplated by 28 U.S.C. §157(b)(2)(A) through (O).							
NATURE OF SUIT (Check the one most appropriate box only.)							
<input type="checkbox"/> 454 To Recover Money or Property <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. § 727		<input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11 or Chap. 13 Plan <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. § 523 <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan		<input checked="" type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 498 Other (specify)			
ORIGIN OF PROCEEDINGS (Check one box only.)	<input checked="" type="checkbox"/> 1 Original Proceeding		<input type="checkbox"/> 2 Removed Proceeding	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another Bankruptcy Court	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
DEMAND	NEAREST THOUSAND \$	OTHER RELIEF SOUGHT				<input type="checkbox"/> JURY DEMAND	
BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES							
NAME OF DEBTOR JUNEL J. BACIGALUPO				BANKRUPTCY CASE NO. 04-51416-GWZ			
DISTRICT IN WHICH CASE IS PENDING Nevada		DIVISIONAL OFFICE			NAME OF JUDGE Judge Gregg Zive		
RELATED ADVERSARY PROCEEDING (IF ANY)							
PLAINTIFF		DEFENDANT			ADVERSARY PROCEEDING NO.		
DISTRICT		DIVISIONAL OFFICE			NAME OF JUDGE		
FILING FEE (Check one box only.)				<input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> FEE NOT REQUIRED	<input type="checkbox"/> FEE IS DEFERRED	
DATE <i>8/12/04</i>	PRINT NAME Jeffrey L. Hartman, Esq.			SIGNATURE OF ATTORNEY (OR PLAINTIFF) <i>Jeffrey L. Hartman</i>			